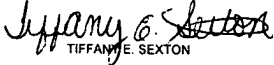


**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**PATENT**

Serial No.: Not yet assigned )  
)  
Filed: October 15, 2003 )  
)  
For: BREATHING ASSISTANCE )  
APPARATUS )  
)  
Applicant: SEAKINS et al. )  
)  
)  
Examiner: Not yet assigned )  
)  
)  
Art Unit: Not yet assigned )  
)  
)  
Attorney Ref: 1171/39624D/92D-DIV )

|  |                         |
|--|-------------------------|
| Certificate of Mailing by "Express Mail"   |                         |
| Mailing Label Number   | <u>EL966274061US</u>    |
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| <small>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 35 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450</small> |                         |
| <br>TIFFANY E. SEXTON  |                         |

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant is not aware of any material prior art but, in an abundance of caution and candor, Applicant submits the present Information Disclosure Statement, Form PTO-1449 and two European Search Reports dated March 25, 2003 and July 1, 2003.

SU 379 270 is not in the English language. It is relevant because it discloses a valve member which has three settings. A first setting where gas passes through a first chamber, a second setting where gas passes through a second chamber and a third setting where gas passes through both chambers.

This Information Disclosure Statement is being filed concurrently with the divisional patent application and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

In accordance with 37 C.F.R. §1.97, the presentation of this information shall not be construed as a representation that no other material information as defined in 37 C.F.R. §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Should the Examiner believe a fee is required, the United States Patent and Trademark Office is hereby authorized and requested to charge the fee to the deposit account of the undersigned firm, Account No. 20-1495.

Respectfully submitted,

Dated:

Oct. 15, 2003

By:

Raford A. Blackstone . J.

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Form PTO-1449  
(Rev. 2-83)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.  
1171/39624D/92D-DIV

SERIAL NO. Not yet assigned

**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**

(Use several sheets if necessary)

APPLICANT: Seakins et al.

FILING DATE:  
October 15, 2003

GROUP Not yet assigned

**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE     | NAME            | CLASS | SUB<br>CLASS | FILING DATE<br>IF<br>APPROPRIATE |
|----------------------|-----------------|----------|-----------------|-------|--------------|----------------------------------|
|                      | 5 3 6 7 6 0 4   | 11/22/94 | Murray          |       |              |                                  |
|                      | 5 4 0 4 7 2 9   | 04/11/95 | Matsuoka et al. |       |              |                                  |
|                      | 6 5 4 3 4 1 2   | 04/08/03 | Amou et al.     |       |              |                                  |
|                      | 4 0 3 8 9 8 0   | 08/02/77 | Fodor           |       |              |                                  |
|                      | 5 0 9 2 3 2 6   | 03/03/92 | Winn et al.     |       |              |                                  |
|                      | 5 9 8 8 1 6 4   | 11/23/99 | Paluch          |       |              |                                  |
|                      | 5 7 6 9 0 7 1   | 06/23/98 | Turnbull        |       |              |                                  |
|                      | 6 0 7 8 7 3 0   | 06/20/00 | Huddart et al.  |       |              |                                  |
|                      | 5 4 5 4 0 6 1   | 09/26/95 | Carlson         |       |              |                                  |
|                      | 6 3 9 7 8 4 6   | 06/04/02 | Skog et al.     |       |              |                                  |
|                      | 5 3 4 6 1 2 8   | 09/13/94 | Wacker          |       |              |                                  |
|                      | 4 0 6 0 5 7 6   | 11/29/77 | Grant           |       |              |                                  |
|                      | 5 3 9 2 7 7 0   | 02/28/95 | Clawson et al.  |       |              |                                  |
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|                      | 4 7 2 2 3 3 4   | 02/02/88 | Blackmer et al. |       |              |                                  |
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|                      | 4 5 7 4 1 8 8   | 03/04/86 | Midgley et al.  |       |              |                                  |

**FOREIGN PATENT DOCUMENTS**

|    | DOCUMENT NUMBER | DATE     | COUNTRY       | CLASS | SUB<br>CLASS | TRANSLATION |    |
|----|-----------------|----------|---------------|-------|--------------|-------------|----|
|    |                 |          |               |       |              | YES         | NO |
| 0  | 9 2 3 4 2 4 7   | 09/09/97 | Japan         |       |              |             |    |
| 0  | 5 3 1 7 4 2 8   | 12/03/93 | Japan         |       |              |             |    |
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| 0  | 2 5 8 9 2 8     | 09/03/88 | Europe        |       |              |             |    |
| 1  | 1 6 7 5 5 1     | 10/15/69 | Great Britain |       |              |             |    |
| 4  | 0 3 4 6 1 1     | 05/07/92 | Germany       |       |              |             |    |
| 3  | 7 9 2 7 0       | 04/20/73 | Soviet Union  |       |              |             |    |
|    |                 |          |               |       |              |             |    |
|    |                 |          |               |       |              |             |    |

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, etc.)

United States Publication No. 2002/0186966, Dated December 12, 2002, Vaporizer with Capacity Control Valve, 25 pages.

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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